

Notice of Allowability

Application No.

09/756,978

Examiner

Karen A. Canella

Applicant(s)

ROUSSEL, EUGENE

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-29, 33-66 and 81, renumbered as 1-64, respectively.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

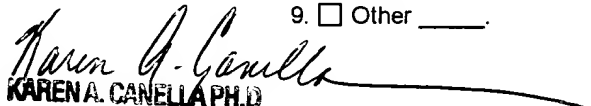
* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/24/02+5/7/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.


KAREN A. CANELLA PH.D
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Pereira on April 4, 2005.

The application has been amended as follows:

Claim 3 has been replaced with the following:

3. The method of claim 1, wherein the antigen-releasing agent comprises an agent selected from the group consisting of a proteolytic enzyme, an apoptosis-inducing agent, electrical current, an acid selected from the group consisting of hydrochloric acid and sulfuric acid, a base selected from the group consisting of sodium hydroxide and potassium hydroxide; and a mixture thereof.

Claim 33 has been replaced with the following:

33. The method of claim 29, wherein multiple aliquots of each of IFN-g, the second and the additional IR1-promoting agents are administered to the patient, and wherein at least 48 hours elapse between aliquots.

Claim 34 has been replaced with the following:

34. The method of claim 29, wherein IFN-g, the second and the additional IR1-promoting agents are co-administered.

Claim 35 has been replaced with the following:

35. The method of claim 29, wherein IFN-g, the second and the additional IR1-promoting agents are separately administered not more than two hours apart.

Claim 36 has been replaced with the following:

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36. The method of claim 29, wherein IFN-g, the second and the additional IR1-promoting agents are separately administered more than two hours apart.

Claim 81 has been replaced with the following:

81. A method of inducing a type 1 inflammatory response at the site of a solid tumor in a human patient, the method comprising locally co-administering to the tumor

- i) an antigen-releasing agent;
- ii) a leukocyte attractant; and
- iii) interferon-gamma (IFN-g) as a first type 1 inflammatory response promoting agent and a second type 1 inflammatory response-(IR1-) promoting agent selected from the group consisting of tumor necrosis factor beta (TNF-b), tumor necrosis factor-alpha (TNF-a), interleukin-2 (Il-2), interleukin-12 (Il-12), and a mixture thereof.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A. Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10 a.m. to 9 p.m. M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571)272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen A. Canella, Ph.D.

4/4/2005


KARENA CANELLA PH.D
PRIMARY EXAMINER